



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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Deepwater, NJ 08023

Dear Mr. Press, *Match*

This letter is in response to your February 13, 1998 correspondence in which you asked three questions concerning threshold and release determinations under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, you ask about treatment for destruction, the revised definition of otherwise use, and, the definition of manufacturing. These issues are addressed in this correspondence.

Your background information to the first question states that a facility operates a commercial wastewater treatment operation in which some wastewater received from off-site undergoes pre-treatment through a steam stripping operation. After steam stripping, the wastewater is discharged to the on-site wastewater treatment (WWT) plant while the organics from the original wastestream are condensed and collected for shipment as a waste to off-site TSD facilities for incineration or fuels blending. You ask, "Under the modified 'otherwise use' criteria do we count all the TRI constituents entering the stripper as 'treated for destruction' or do we just count the amount [of TRI listed chemicals] that remains on-site in the wastewater that subsequently enters the biological WWT plant for treatment?"

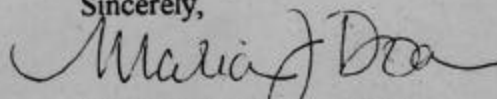
For purposes of reporting under EPCRA section 313, facilities are required to make threshold determinations and release and other waste management determinations based upon activities performed at the facility. In this case, the TRI listed organics that are separated out through the steam stripping operation and subsequently sent off-site for further waste management would be counted as an off-site transfer provided that thresholds for these chemicals are met. If thresholds are met at the facility, the facility would report the shipment of the TRI chemicals in waste to an off-site TSD using an incineration or energy recovery waste treatment code in Part II, section 6.2, column C in reporting Form R, as appropriate. All other TRI listed toxic chemicals that were received from off-site and are discharged to the on-site wastewater treatment plant for further waste management (*i.e.*, treatment for destruction) would be applied toward the otherwise use threshold for that reporting year. Also, if thresholds are met at that facility, the facility would complete sections 7A and 8.6 of the TRI reporting Form R.

Your next question asks, "Do you count TRI constituents received in off-site wastes towards the 'otherwise use' threshold upon receipt of the shipment (e.g., signing the hazardous waste manifest) or upon introduction into the actual treatment process or upon disposal." TRI chemicals in wastes are applied toward appropriate thresholds upon the performance of those activities. For example, questions 49 and 50 of the EPCRA Section 313 Questions and Answers: Revised 1997 Version document (1997 Questions and Answers document) illustrate that for the otherwise use and processing thresholds, toxic chemicals are applied toward the appropriate thresholds upon the performance of the activity. Those questions state, respectively, that "the [otherwise use] threshold applies to the total amount of the toxic chemical 'otherwise used' during the reporting year that the mixture was created," and, "The Agency interprets the activity of 'processing' to be reportable when the toxic chemicals are initially prepared." In your questions, the TRI constituents received in off-site wastes would be counted towards the "otherwise use" threshold upon introduction into the actual treatment process or upon disposal.

The last question asks if wastes are imported from outside the U.S. for treatment, disposal, or recycling, has the facility "manufactured" TRI constituents in wastes or is it applied toward the otherwise use criteria. If a facility causes a TRI listed toxic chemical to be imported, the facility is manufacturing that toxic chemical. As stated in Question 142 of the 1997 Questions and Answers document, "If your facility specified that a listed toxic chemical or mixture containing a toxic chemical be obtained from a foreign source and you specified the amount, then your facility imported the toxic chemical." Facilities importing TRI listed toxic chemicals would indicate so by checking the import box in Part II, section 3.1.b. of the reporting Form R. In this case, the facility would apply the TRI listed toxic chemicals in waste toward both the manufacture (importing) and otherwise use activity thresholds. Please note that there are situations where a facility will cause two or more chemicals in waste to be imported and thus "manufactured" but will otherwise use only one of the two chemicals. If the toxic chemicals in waste in your first question were caused to be imported both would be considered to be manufactured but only the chemical that was sent to the on-site WWT plant for destruction would be considered otherwise used.

I hope this information is helpful to you in making EPCRA section 313 threshold and release determinations. If you have other questions, please feel free to contact me at 202.260.9592.

Sincerely,



Maria J. Doa PhD., Chief  
Toxics Release Inventory Branch

cc: IG system